

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AZ 5918

EDWARD CARTER, FRANK FIORILLO,
KEVIN LAMM, JOSEPH NOFI, and THOMAS
SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN
BEACH; MAYOR JOSEPH C. LOEFFLER,
JR., individually and in his official capacity;
former mayor NATALIE K. ROGERS,
individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT;
ACTING DEPUTY POLICE CHIEF GEORGE
B. HESSE, individually and in his official
capacity; SUFFOLK COUNTY; SUFFOLK
COUNTY POLICE DEPARTMENT; SUFFOLK
COUNTY DEPARTMENT OF CIVIL SERVICE;
and ALISON SANCHEZ, individually and in
her official capacity,

Defendants.

**COUNTY
DEFENDANTS'
RESPONSES TO THIRD
SET OF
INTERROGATORIES**

**CV 07-1215
(SJF)(ETB)**

Defendants, Suffolk County, Suffolk County Police Department, Suffolk County
Department of Civil Service, and Alison Sanchez, by their attorney, hereby respond, upon
information and belief, to the plaintiff's Third Set of Interrogatories dated July 10, 2009.

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. Each response is
subject to all objections as to competence, relevance, materiality, propriety and
admissibility, and any and all other objections and grounds which would require the
exclusion of any statement herein if the interrogatories were asked of, or any statement

contained herein were made by, a witness present and testifying in court, all of which objections and grounds are reserved and may be interposed at the time of trial.

Defendants reserve the right to make any changes in these answers if it appears that omissions or errors have been made herein, or that further or more accurate information is available.

Defendants have not completed their investigation of the facts relating to this action, and have not completed preparation for trial. The following answers are based on information presently available, and are made without prejudice to defendants' right to utilize subsequently discovered facts.

Except for explicit facts admitted herein, no incidental or implied admissions are intended hereby. The fact that defendants have answered any interrogatory should not be taken as an admission that defendants accept or admit the existence of any facts set forth or assumed by such interrogatory, or that such answer constitutes admissible evidence. The fact that this defendants have answered any or all of any interrogatory is not intended, and shall not be construed to be a waiver by defendants of all or part of any objection to any interrogatory.

These responses incorporate by reference, pursuant to FRCP Rule 33(d), any and all reports and records which have been furnished pursuant to the plaintiffs' request(s) for the production of documents.

1. Objection on grounds of relevance, materiality and burdensomeness. While fully reserving their rights under said objection, County defendants respond that defendant Allison Sanchez does not know with certainty if she authorized, posted and/or participated

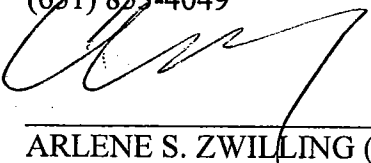
in any way in authorizing and/or posting the post referred to. Answering defendants have no other responsive information.

Dated: Hauppauge, New York
August 5, 2009

Yours, etc.,

CHRISTINE MALAFI
Suffolk County Attorney
Attorney for County Defendants
H. Lee Dennison Building
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P.O. Box 6100
Hauppauge, New York 11788-0099
(631) 853-4049

By:


ARLENE S. ZWILLING (AZ 5918)
Assistant County Attorney

TO:

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VERIFICATION

STATE OF NEW YORK)
) ss.
COUNTY OF SUFFOLK)

The undersigned, an attorney admitted to practice in the Courts of New York State, shows:

1. Deponent is associated with the office of CHRISTINE MALAFI, Suffolk County Attorney, and attorney for defendant COUNTY OF SUFFOLK.
2. Deponent has read the foregoing *Responses to Plaintiffs' Third Set of Interrogatories* and knows the contents thereof, and the same is true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief and as to those matters deponent believes it to be true.
3. This verification is made as to the COUNTY OF SUFFOLK because said County is a Municipal Corporation and deponent is an Officer thereof: an Assistant County Attorney. This verification is made as to any other defendant(s) as his/their attorney.
4. The grounds of deponent's belief as to all matters not stated upon deponent's own knowledge are: (a) public records, (b) work product, (c) personal investigation, (d) correspondence and interviews with defendant(s), their deputies, agents and employees, (e) or that they are matters of law; if this verification is made for a non-corporate party the material allegations are within deponent's personal knowledge based on the foregoing.
5. The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Hauppauge, New York
August 5, 2009

By: 

Arlene S. Zwillig (AZ 5918)
Assistant County Attorney